

### **REMARKS**

Entry of the foregoing amendments is respectfully requested. Claim 6 has been amended. Claims 1-20 are currently pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing amendments and the remarks that follow.

1. Rejections Under 35 U.S.C. § 112

In the Office Action, the Examiner has rejected claim 6 as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention.

Applicants respectfully traverse the Examiner's rejection to claim 6. More specifically, with this response, applicant has amended claim 6 to substitute the term "diaphragm" for which proper antecedent basis is found in claim 1 for the term "gasket" as specified by the Examiner. As a result, claim 6 now particularly points out and distinctly claims the subject matter regarded as the invention in claim 6 and applicant respectfully requests that the Examiner withdraw the rejection to claim 6.

2. Rejections Under 35 U.S.C. § 102(a)

In the Office Action, the Examiner has rejected claims 1-5, 7-10 and 16 under 35 U.S.C. § 102(a) as being anticipated by Lishanski et al., U.S. Patent 6,604,920 (the '920 patent).

Applicants respectfully traverse the Examiner's rejections to claims 1-5, 7-10 and 16 based on the '920 patent. More specifically, the '920 patent lists as its inventors the same inventors as are listed on the present application. As such, the subject matter of the '920 patent may not be used against applicants as there is no time bar with regard to the '920 patent and the present application that would render the '920 patent prior art under 35 U.S.C. § 102(b). In addition, based on the Examiner's rejection of these claims in light of the '920 patent, it is assumed that the Examiner is stating that the invention of claims 1-5, 7-10 and 16 is not patentably distinct from the subject matter of the '920 patent. Therefore, to remove the '920

patent as a prior art reference, with this response applicants hereby submit a terminal disclaimer under 37 CFR 1.130.

As a result, the terminal disclaimer removes the '920 as prior art with regard to the present application such that applicants respectfully request that the Examiner withdraw the rejections to claims 1-5, 7-10 and 16 based on the '920 patent.

3. Claim Rejections Under 35 USC § 103

a) Claim 6

In the Office Action, the Examiner has rejected claim 6 under 35 USC § 103(a) as being unpatentable over Lishanski et al., U.S. Patent 6,428,289 (the '289 patent).

Applicants respectfully traverse the Examiner's rejection to claim 6 based on the '920 and '289 patents.

As stated previously, the '920 patent has been removed as prior art based on the terminal disclaimer filed with this response. As a result, the subject matter of the '920 patent is no longer available for combination with the '289 patent to arrive at the combination utilized by the Examiner to render unpatentable claim 6.

As a result, applicants believe that claim 6 is allowable and respectfully request that the Examiner withdraw the rejection to claim 6.

b) Claims 11-15, 17 and 20

In the Office Action, the Examiner has also rejected claims 11-15, 17 and 20 under 35 U.S.C. 103(a) as being unpatentable over the '920 in view of Pilolla et al., U.S. Patent No. 4,938,384 (the '384 patent).

Applicant respectfully traverses the Examiner's rejections to claims 11-15, 17 and 20 based on the '920 and '384 patents. More specifically, as stated previously, the '920 patent has been disqualified as prior art as a result of the filing of the terminal disclaimer with this response. Therefore, the subject matter of the '920 patent is unavailable for combination with the subject

matter of the '384 patent in order to arrive at the combination of references utilized by the Examiner in rejecting claims 11-15, 17 and 20.

Therefore, claims 11-15, 17 and 20 are allowable and applicants respectfully request that the Examiner withdraw the rejection to these claims.

c) Claims 18 and 19

In the Office Action, the Examiner has rejected claims 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over the '920 patent in view of the '384 patent and the '289 patent.

Applicants respectfully traverse the Examiner's rejections to claims 18 and 19 based on the '920, '384 and '289 patents. More specifically, as stated previously, the '920 patent has been disqualified as prior as a result of the submission of the terminal disclaimer with this response such that the '920 patent can no longer be combined with the '384 and '289 patents to arrive at the combination utilized by the Examiner to reject claims 18 and 19.

Therefore, claims 18 and 19 are allowable and applicants respectfully request that the Examiner withdraw the rejections to these claims.

CONCLUSION

It is submitted that claims 1-20 satisfies the requirements of 35 U.S.C. §§ 102, 103 and 112, and each define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

A check in the amount of \$130 in payment of the fee by a small entity for submission of a terminal disclaimer under 37 CFR 1.130 is enclosed. Authorization is given to charge any additional fees or credit any overpayment in connection with this or any future communication to Deposit Account No. 50-1170.

The PTO did not receive the following  
listed item(s) The Check

Serial No. 10/655,340 - Lishanski et al.  
Art Unit 3746 – Attorney Docket 423.008  
Response to August 30, 2006 Office Action  
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The Examiner is invited to contact the undersigned by telephone if it would help expedite the allowance of this application.

Respectfully submitted,



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Date: November 29, 2006

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